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Attorneys for Defendant  
 JOHN J. COTA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: CR 08-0160 JL
	)	
Plaintiff,	)	WAIVER OF APPEARANCE BY JOHN
	)	COTA AND ACKNOWLEDGMENT OF
vs.	)	SPEEDY TRIAL ACT EXCLUSION
	)	
JOHN J. COTA,	)	
	)	
Defendant.	)	
	)	
	)	

On April 16, 2008, the Court held a telephone status conference. The Court had previously excused Captain John Cota's presence at the hearings that were scheduled for May 5 and May 16. Captain Cota understands that he has the right to be present at any pretrial proceeding and he voluntarily waives his right to be present at the status conference held on April 16, 2008.

In addition, Captain Cota understands that at the status conference, the Court vacated the trial and pretrial conference dates and found that time should be excluded under the Speedy Trial Act, 18 USC § 3161, in the interest of justice. Captain Cota understands

1 that he is entitled to obtain and review discovery that has begun to be produced by the  
 2 government, that additional time is needed by his counsel to prepare for trial and that it is  
 3 likely that pretrial motions will need to be researched and filed. For all of the reasons, and  
 4 those stated by the Court, Captain Cota agrees to a finding of excludable time under the  
 5 Speedy Trial Act, from April 16, 2008 to and including June 1, 2008.

6  
 7 Respectfully submitted.

8 KIRKPATRICK & LOCKHART  
 9 PRESTON GATES ELLIS LLP

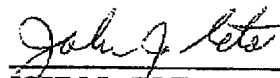
10  
 11 Dated: April 16, 2008

By: 

JEFFREY L. BORNSTEIN  
 LEAH G. SHOUGH  
 Attorneys for JOHN J. COTA

14 I, John J. Cota, acknowledge that I have a right to appear at all pretrial  
 15 proceedings. I waive my right to appear at the status conference held on April 16, 2008  
 16 and at the motion hearing scheduled for May 5, 2008. I also understand that I have a right  
 17 to a speedy trial. I agree to the Speedy Trial Act Exclusion of time from April 16, 2008,  
 18 to and including June 1, 2008.

19 I declare under the penalty of perjury the foregoing is true and correct.  
 20 Executed this 16 day of April, 2008 at Petaluma, California.

21  
 22  
 23  
 24   
 25 JOHN J. COTA